

Subject:	KENT HOMECHOICE PARTNERSHIP AGREEMENT
Date:	6 April 2020
Decision to be taken by:	Councillor Trevor Bartlett, Leader of the Council
Report of:	Mike Davis, Strategic Director (Corporate Resources)
Portfolio Holder:	Councillor Derek Murphy, Portfolio Holder for Housing and Health
Decision Type:	Key Decision
Classification:	Unrestricted
Purpose of the report:	To seek approval to update the Kent Homechoice Partnership Agreement so that it reflects current practices and to add a Break Clause to the agreement via a Deed of Variation.
Recommendation:	That the Council agrees the updates and the introduction of a Break Clause for Kent Homechoice partners.

1. Summary

The Kent Choice Based Lettings Partnership, known as Kent Homechoice (KHC), was formed to facilitate the provision of Choice Based Lettings across Kent. The partnership comprises all 12 Kent Councils, Medway Council, Kent County Council and 29 Housing Associations. The Partnership Agreement commenced on 23rd December 2008 and expires on 22nd December 2024. All partner organisations have signed the Agreement which specifies the role for a Lead Authority which Dover took over from Thanet District Council in April 2015.

Dover District Council and KHC have a contract with Locata Housing Services (LHS) who are our housing system provider; the contract with LHS comes to an end in July 2023 and we would like to add a Break Clause into the Partnership Agreement to give our partners the option to leave the partnership prior to the renewal of the contract in July 2023 if they wish to. We have also updated the Partnership Agreement to reflect current practices and legislation.

2. Introduction and Background

2.1 Kent Homechoice is the largest Choice Based Lettings partnership in the UK. Local Authorities and housing associations use the system to allocate social housing, manage their housing registers, process housing advice and homelessness applications, make referrals and advertise mutual exchanges. Some Local Authorities also use the system to run Social Lettings Agencies. We have almost 51,000 housing applications registered across Kent and Medway, 29,000 of which have a status of live and approximately half have a defined housing need and over 79,000 properties have been let since the partnership began.

2.2 The significant changes to the Partnership Agreement are as follows:

- **Break Clause – page 11 and page 27, Clause 39 of the Partnership Agreement**

The Variation to the original Partnership Agreement shall give all partners the right to withdraw from the Scheme prior to the 30th July 2023 by giving not less than 13 weeks' notice to the Project Board to that effect.

The purpose of adding in this Break notice means that when Dover are required to retender the contract for the ICT system, any partner that may wish to exit the Kent Homechoice Partnership at that point has the opportunity to do so prior to the contract being awarded thus ensuring that neither Dover nor the partner incur any financial penalties.

- **Removal of Registered Social Landlord (RSL) Board – page 17, Clause 4 and page 39, schedule 2 of the Partnership Agreement**

Removal of the RSL Board who now form part of the main KHC Project Board.

- **General Data Protection Regulation – page 20, Clause 7.5 of the Partnership Agreement**

Addition of the requirement to comply with the General Data Protection Regulation

- **Payments & Partnership Fees - page 20, Clause 8 and page 44, schedule 3 of the Partnership Agreement**

An update to how the Partnership Fees are calculated as we no longer charge 'dwelling unit letting fees' or 'development contributions'.

- **Public Sector Equality Duty - Page 26, Clause 26.2 of the Partnership Agreement**

Removal of wording associated with complying with the Commission for Race Equality and addition of Public Sector Equality Duty in its place.

- **Constitution, Membership, Terms of reference and modus operandi of the Project Board - Page 29, schedule 1**

Amendment of the membership of the Project Board to include one representative from each Housing Association Partner with a stock level in Kent of 1,000 or more plus one representative in total to represent the Housing Association Associate Members that have a stock level of less than 1,000.

3. **Identification of Options**

3.1 The options are:

Option A: Not to add the Break Clause or update the agreement and risk partners pulling out of the Partnership Agreement after a new contract with a system provider has been put in place.

Option B: To agree to issue a Deed of Variation to update the Partnership Agreement and add the Break Clause.

4. **Evaluation of Options**

4.1 Option A: The Partnership Board of Kent Homechoice have requested that a Break Clause is added to the Partnership Agreement to provide all partners with an opportunity to review their membership of the Kent Choice Based Lettings Scheme and consider whether they wish to continue to allocate their properties and manage their housing register in this way.

4.2 Option B: This is the recommended proposal as it enables the Partnership Agreement to be updated and the Break Clause to be added.

5. **Resource Implications**

There are no additional resources implications with this proposal.

6. **Corporate Implications**

There are no corporate implications.

- 6.1 Comment from the Section 151 Officer: Accountancy have been consulted in the writing of this report and have no further comments to add (AHC)
- 6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 6.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>
- 6.4 Other Officers (as appropriate):

7. Appendices

Appendix 1 – Deed of Variation Document

Appendix 2 – Updated Kent Homechoice Partnership Agreement

8. Background Papers

None.

Contact Officer: Vicky Hodson, Kent Homechoice Partnership Manager